

Application Serial No. 10/029,194

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**Remarks/Arguments**

This response is being submitted together with a Request for Continued Examination.

Claims 1, 7, 16, 21, 23, 24 and 28 are the independent claims of the present application.

In the office action, the Examiner rejected all of the pending claims under Section 102(b) as anticipated by U.S. Patent No. 5,138,615 to Lamport et al. ("Lamport").

In response, each of the pre-existing independent claims (i.e. each of the above-noted claims except new claim 28) has been amended by substituting the term "link bandwidth" for "capacity". Support for this amendment may be found in the application as filed, e.g., in the third paragraph of the detailed description. Lamport does not disclose consideration of a minimum link bandwidth along a protection path. Accordingly, because each and every claimed limitation is not found in Lamport, it is submitted that none of the pre-existing independent claims can be anticipated by Lamport. Applicant therefore respectfully requests withdrawal of the rejection of all of the pre-existing independent claims.

Dependent claims 2, 3, 8-10, 17-19 and 22 have been amended in a similar fashion to the independent claims. Given that the independent claims distinguish over the cited art, the remaining claims, which depend from the independent claims, also distinguish over the art of record.

New claim 28 is directed to a computer readable medium storing computer software that, when loaded into a computing device, adapts said device to extend a spanning hierarchical protection tree in a mesh network. New claim 28 incorporates similar claim limitations to those of the amended independent claims. Accordingly, the Applicant submits that claim 28 is not anticipated by Lamport, for the same reasons.

No new matter has been added by the above amendments.

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In view of the foregoing, favourable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,



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